

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN - 6 2008	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS MONTGOMERY, et al.,)
)
Plaintiffs,)
)
vs.)
)
ETREPPID TECHNOLOGIES, et al.)
)
Defendants.)
_____)

3:06-CV-0056-PMP (VPC)

MINUTES OF THE COURT

June 6, 2008

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On May 29, 2008, this court issued an Order to Show Cause why the Montgomery parties should not be held in contempt of court for their failure to abide by this court's order of May 21, 2008 (#646). The court ordered that there be a hearing on June 10, 2008, at 9 a.m., and that Mr. Montgomery "shall appear **in person** and be prepared to testify at this hearing, and he shall bring with him all documents and/or tangibles things (including hard drives) ordered to be produced pursuant to this court's May 21, 2008 order, its May 7, 2008 order, and its February 21, 2008 order." *Id.*

The court is in receipt of the Montgomery parties' June 5, 2008 emergency motion requesting delay in hearing, or in the alternative, relief from the requirement that Montgomery bring hard drives containing potentially privileged information (#s656 and 657). The court has reviewed the motion and the Government's June 2, 2008 email confirming that Mr. Montgomery is not authorized to transport any medium that potentially contains classified material (#657, Exhibit 1). The court **GRANTS** the Montgomery parties' emergency motion and orders that Mr. Montgomery be relieved from his obligation to "bring with him all documents and/or tangibles things (including hard drives)" to the extent that they potentially contain classified information.

The court **DENIES** the Montgomery parties' emergency motion to the extent that Mr. Montgomery requests that the June 10, 2008 hearing be delayed, or requests relief from attending the hearing. As previously ordered, Mr. Montgomery is to appear **in person**, be prepared to testify, and bring with him all non-classified responsive documents he has to date. All other terms and provisions of the Order to Show Cause remain in effect.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk